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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record (partial)* of the 31st meeting

Held at the Palais des Nations, Geneva, on Monday, 13 June 2016, at 10 a.m.

Chair: Mr. Sadi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights

Submissions by national human rights institutions and non-governmental organizations

United Kingdom of Great Britain and Northern Ireland

1. **Mr. Bloom** (Equality and Human Rights Commission) said that the Human Rights Act 1998 had led to greater quality and accountability in the delivery of public services. In the view of the Equality and Human Rights Commission, any changes to the human rights framework should not be regressive and should seek ways to better protect economic, social and cultural rights. Among those ways was the implementation of Part 1 of the Equality Act 2010, and the introduction of mechanisms to monitor whether legislation and budgetary measures were progressively realizing the rights provided under the Covenant.

2. The Government of the United Kingdom should also consider the impact of policy on potentially vulnerable groups, including by conducting cumulative impact assessments. Recent social security reforms had had a disproportionate impact on the rights of women, children and persons with disabilities. Measures such as the household benefit cap, limitations on child tax credits and the closure of the Independent Living Fund, for example, did not take into consideration the Committee's guidelines for policy adjustments in times of economic crisis.

3. Although child poverty rates had slightly improved, the targets of the recently repealed Child Poverty Act 2010 had not been met. The focus on work as a solution to poverty did not address other obstacles, such as the working poor and social security reform. Youth, Muslims and persons with disabilities had high unemployment rates, and there were millions of underpaid workers. In the view of the Equality and Human Rights Commission, the national living wage should be adequate to cover the costs of living anywhere in the United Kingdom and should include young people aged 25 and over. Although the gender pay gap had decreased since 2009, it was still above 19 per cent; childcare was often unaffordable; and pregnant women and young mothers were often forced out of work.

4. Legal aid restrictions in England and Wales had affected the ability to seek assistance when rights were breached in the areas of housing, immigration, social security, employment and education, a problem which had a particular impact on women, ethnic minorities and persons with disabilities.

5. Cuts in funding for mental health services had resulted in an increase in the use of police detention for persons in crisis, including children. Suicide rates had increased; deaths in detention could certainly be prevented through a number of measures, including independent investigations into non-natural deaths.

6. **Mr. Quiroz** (Scottish Human Rights Commission) said that the right to an adequate standard of living had been negatively impacted by welfare reforms. The Scottish Human Rights Commission was categorically opposed to the repeal of the Bill of Rights, which would undermine the principles of universality and human rights accountability. The Commission also wished to recall the Government's duties under article 2 of the Covenant; the new tax, welfare and borrowing powers, if allocated appropriately, were crucial to the realization of economic, social and cultural rights throughout Scotland.

7. Very little progress had been made in redressing health inequalities, which particularly affected older persons, ethnic minorities and travellers. Treatment of mental health problems was unreliable for both the general public and for prisoners; the number of

prisoners with mental health problems was rising, even though the overall prison population was decreasing in size.

8. Although poverty levels remained the same, material deprivation had increased, particularly for persons with disabilities, ethnic minorities and women and children. Sixty per cent of Scottish children lived in households in which at least one person was unemployed. The rate of construction of social housing was inadequate. Poverty was steadily increasing from year to year. Food banks were now a regular part of Scottish life. In rural areas, vital services had been lost. All those issues had been exacerbated by welfare reforms and public spending cuts.

9. The Scottish Human Rights Commission asked the Committee to call on the Government to ensure that such reforms were temporary, proportionate and necessary, and that fundamental rights would be guaranteed in a non-discriminatory manner.

10. **Ms. Russell** (Northern Ireland Human Rights Commission) said that, since the Northern Ireland Executive had failed to reply to the Committee's list of issues, the Northern Ireland Human Rights Commission would give the fullest possible account of the situation in that country. It joined with others in expressing support for the Human Rights Act 1998. She would discuss four key issues: social security reform, poverty, termination of pregnancy, and the protection of the Irish language.

11. Political talks in November 2015 had led to an agreement to mitigate some of the adverse impacts of recent social security reforms over the next four years. The outstanding concerns included whether or not the so-called Bedroom Tax, which imposed an extra tax on underoccupancy, would be implemented, and whether the mitigation scheme would effectively protect the most vulnerable from the adverse impact of reforms.

12. In view of the considerable increase in the use of food banks and the exacerbation of poverty among working age adults, the Commission called on the Northern Ireland Executive to adopt the anti-poverty strategy that the High Court had ordered in 2015. Since the target to eliminate child poverty by 2020 was unlikely to be met — and in fact child poverty was expected to rise — the Commission asked the Committee to request the Government to explain what it would do to protect the economic and social rights of children.

13. The Commission had challenged the Department of Justice with respect to provisions of the law on the termination of pregnancy in the event of a fatal fetal abnormality or when the pregnancy had resulted from rape or incest; the High Court had upheld some of its arguments and rejected others. The case was under appeal and cross-appeal; the Commission asked the Committee to request that the Government of the United Kingdom ensure that the criminal law in Northern Ireland complied with human rights standards, giving women and girls access to termination of pregnancy under defined circumstances.

14. Lastly, the Commission requested the Committee to exhort the Government to support legislation to protect and promote the Irish language.

15. **Mr. Burton** (Just Fair) said that Just Fair, which represented a coalition of 18 charities in the United Kingdom, had submitted two reports to the Committee, one of which contained replies to some of the issues raised in the Committee's list of issues (E/C.12/GBR/Q/6). It also endorsed the remarks of the national human rights commissions.

16. The consideration of the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland came after unprecedented cuts to public services in those countries, affecting both the working poor and persons unable to work. It was clear that the social security policy of the Government did not meet the terms of the Covenant, as was explicated in a 2012 letter from the Chairperson of the Committee to all States parties. It

was also clear that those cuts were not temporary and not designed to deal with an emergency situation: they were permanent and the Prime Minister had recently described them as "morally right". Independent findings had revealed that the reforms had deprived many persons of sufficient income for an adequate standard of living; nor could current benefit levels meet the essential needs of persons with disabilities.

17. Moreover, increasing numbers of people were using food banks, and asylum seekers and migrants were granted only £5 per person, per day — a grossly inadequate sum. Cuts in government benefits had been exacerbated by the decline in social housing, resulting in homelessness. The National Living Wage, though higher, could not be called a true "living wage".

18. In the view of Just Fair, the cuts could not be justified under the terms of the Covenant.

19. **Ms. Lovejoy** (Just Fair) said that while the United Kingdom had increased the tax-free personal allowance, it had cut income, inheritance, and corporate tax and invested only modestly in efforts to combat tax evasion. The £15 billion cut in corporate tax should be considered in light of the £12 billion cut to social security. There was no evidence that those measures would result in improved realization of economic, social and cultural rights.

20. **Ms. Lloyd** (Just Fair) said that the United Kingdom had not undertaken a cumulative impact assessment of its reforms or assessed their impact on the enjoyment of Covenant rights. Evidence showed that more than 1.25 million people were living in absolute destitution, including more than 300,000 children. The cumulative impact of those reforms on working age people with children in the second poorest group was a 12 per cent decrease in income; in the four least poor groups there was a 2 per cent decrease.

21. **Ms. McKernan** (Human Rights Consortium of Northern Ireland) said that the Consortium represented 170 member groups working to create a human-rights based society in Northern Ireland. The Belfast (Good Friday) Agreement had included a commitment to the creation of a bill of rights for Northern Ireland; that unfulfilled promise was a crucial element of the Irish peace. Strong rights protections were necessary to build confidence within communities and ensure that abuses of the past would not be repeated. A bill of rights would incorporate many Covenant rights, among them housing, health care, culture and employment.

22. The Committee had called on the Government of the United Kingdom to take action on that promise in 2009. The State party had later argued that there was no political consensus; the Belfast Agreement, however, which included a provision for a bill of rights, had been adopted by referendum.

23. The Human Rights Consortium of Northern Ireland called on the Committee to request that the United Kingdom fulfil its obligations and sign a bill of rights for Northern Ireland into law.

24. **Ms. Kaufman** (Minority Rights Group International) said that the Chagos Islands had been inhabited by an indigenous people known as the Chagossians until 1965, when the United Kingdom had divided the Chagos Archipelago, created the British Indian Ocean Territory, and leased the island of Diego Garcia to the United States as a military base. The Chagossians had been driven from their ancestral lands and had not yet been permitted to return. The United Kingdom had argued that Covenant rights were unenforceable in the Chagos Islands because it had not ratified the Covenant with respect to that territory.

25. Citing the Human Rights Committee's general comment No. 31, she said that a State party must ensure the rights enshrined in the International Covenant on Civil and Political Rights to any person under the effective control of that State party, even if not situated in

the territory of the State party. The same analysis supported application of the International Covenant on Economic, Social and Cultural Rights.

26. Noting that the continued exile of the Chagossian people was a violation of their right to an adequate standard of living under article 11 of the Covenant, she emphasized that the right to housing was linked to the enjoyment of many other human rights.

27. Minority Rights Group International also observed that the continued exile of the Chagos Islanders constituted a violation of article 1 of the Covenant. It called on the Government of the United Kingdom to repeal the two 2004 Orders in Council that had denied the Chagossians the right to enter or live on the islands. It also asked the Government to facilitate and support the Chagossians' right to return, to pay them adequate compensation for the violation of their rights over the past 40 years, and to seek their free, prior and informed consent with regard to the return and compensation process.

28. **Ms. McKernan** (The Global Initiative for Economic, Social and Cultural Rights) said that the Department for International Development of the United Kingdom funded for-profit, ostensibly low-cost, private or informal chain schools in a number of developing countries, with adverse impacts on the right to education. The growth of private actors in education systems had increased discrimination against poorer children, and cost many families more than they could afford, while at the same time undermining the public education system. Often such private schools were not formally registered or regulated, and resisted the imposition of quality standards.

29. Several of the United Nations treaty monitoring bodies and the Special Rapporteur on the right to education had expressed concern about the impact on children, especially girls. The Global Initiative took the view that the United Kingdom was obliged under the terms of the Covenant to respect, protect and fulfil the right to education within the context of its international cooperation: the current policy of funding for-profit education providers abroad was undermining the right to education for children in the countries concerned.

30. **Ms. Muñoz Maraver** (Women's International League for Peace and Freedom) said that the export of arms could give rise to extraterritorial responsibility for human rights violations, as was recognized by the Arms Trade Treaty, to which the United Kingdom was a party. A case in point was the explosive weapons being used in populated areas by the Saudi Arabian-led coalition conducting a military intervention in Yemen. Those weapons were killing and injuring civilians and causing destruction to civilian infrastructure and were having a direct impact on the rights to adequate housing, health and education.

31. The United Kingdom had contributed to those human rights violations by licensing more than £2.8 billion worth of arms exports to Saudi Arabia. Her organization's report included recommendations for the United Kingdom that were aimed at ensuring due diligence to prevent violations of economic and social rights when exporting weapons.

32. **Ms. Selleger** (International Baby Food Action Network) said that the right of mothers to breastfeed their children in public places should be better publicized, as mothers continued to be asked to stop breastfeeding and had even been refused service in some restaurants and other locations. Recent surveys had found that the United Kingdom had the worst breastfeeding rate in the world, even though the majority of mothers said they had wanted to continue breastfeeding for a longer period of time.

33. Existing services to support breastfeeding mothers were now being reduced or cancelled due to government austerity programmes. Her organization would like to see data gathered regularly so that progress could be tracked and obstacles understood. The Government had failed to take many of the actions set out in the Global Strategy for Infant and Young Child Feeding, which the United Kingdom had endorsed. While Northern Ireland, Scotland and Wales planned to achieve 100 per cent coverage under the baby-

friendly hospital initiative, England had no time-bound commitment and no infant and young child feeding committee or coordinator.

34. **Ms. Holmlund** (Amnesty International) said that her organization was greatly concerned by government proposals to replace the Human Rights Act with a British bill of rights. The reform project was dangerous and unnecessary, and it risked creating a general downgrading of rights protections in the United Kingdom.

35. The law governing abortion in Northern Ireland was one of the most restrictive in Europe, and it also carried the harshest criminal penalty in Europe. The risk of severe criminal sanctions continued to exert a chilling effect on women and health-care providers alike. Lastly, the substantial cuts to the civil legal aid system had had a detrimental impact on access to justice and effective remedies for violations of a range of rights, and the cuts were having a disproportionate effect on disadvantaged and vulnerable groups.

36. **Mr. Schrijver** said that he would appreciate clarification regarding the commitment undertaken by the Scottish Government to make economic, social and cultural rights a reality. He also wished to know about the impact of budget cuts in the United Kingdom on access to education. He asked to what extent the draft British bill of rights really jeopardized economic, social and cultural rights.

37. **Mr. Abdel-Moneim** said that it would be useful when drafting the Committee's concluding observations to have in writing the information just provided by NGOs and national human rights institutions.

38. **Mr. Kedzia** said that he wished to know more about the ongoing preparatory work on the draft British bill of rights. He asked what specific concerns the draft bill raised.

39. **Mr. Kerdoun** asked whether the privatized education model funded by the United Kingdom Government in developing countries was total or partial. While he was aware of a tendency in some developing countries to privatize education at the tertiary level, it was unusual for primary or secondary level education to be privatized.

40. **Ms. Bras Gomes** asked whether she was correct in thinking that the undermining of economic, social and cultural rights through the social security reform in the United Kingdom was the only major change that had occurred since the Committee's previous dialogue with the State party.

41. **Mr. Quiroz** (Scottish Human Rights Commission) said that, in the Scottish National Action Plan for Human Rights, the Scottish Government had made an explicit commitment to explore the value of incorporating economic, social and cultural rights into domestic law. A number of events had been held for that purpose, and the First Minister had made a commitment to look into the implementation of the Covenant in Scotland. A working group had been established for that purpose, and a duty had been placed on the Scottish Parliament regarding socioeconomic inequalities. It would be very useful for the Committee to hold the State party to account for those commitments.

42. **Ms. Russell** (Northern Ireland Human Rights Commission) said that a package of measures had been drawn up to mitigate the adverse effects of social security reform in Northern Ireland. While those measures were welcome, her Commission was concerned about how the mitigation scheme would be assessed and what would happen when it came to an end. She therefore urged the Government to review the scheme's effectiveness and to ensure that social security benefits were sufficient to allow for an adequate standard of living.

43. **Mr. Bloom** (Equality and Human Rights Commission) said that, in addition to the risks posed by the social security reform, another major concern that had arisen since the United Kingdom's previous dialogue with the Committee was the matter of access to

justice in the light of the adoption of new legislation in 2012. His Commission was also concerned about the Government's strategy of moving people into work as the preferred way of lifting them out of poverty, despite problems such as low pay and structural barriers that hindered access to work for certain groups. Overall, the education budget had been cut by about 11 per cent in 2015. While some positive measures had been taken with respect to education, more monitoring was needed to ensure that those measures were benefiting the children they were intended to help.

44. **Ms. Holmlund** (Amnesty International) said that her organization would respond in writing to the Committee's questions.

45. **The Chair** said that further submissions in writing would be very welcome.

46. **Mr. Burton** (Just Fair) said that the large-scale cuts to the social security system were intended to be permanent and would change the way the State operated. Wages in the country were so low that many working people had to rely on State benefits. As many as 8.4 million people in the United Kingdom were food insecure. While child poverty had previously been decreasing, it was now on the rise, and it was projected that as many as 1 in 5 children in the United Kingdom would soon be living in absolute poverty.

47. **Ms. McKernan** (The Global Initiative for Economic, Social and Cultural Rights) said that the work done by her organization focused on primary education and that she had been referring to privatization at the primary level. Most countries whose education systems were undergoing privatization followed a mixed model, where private schools operated in parallel with public schools. In many such cases, the State was unaware of the situation or was unable to regulate the private schools. Liberia was an exceptional case where the entire primary education system had been privatized, with funding from the World Bank and others.

The former Yugoslav Republic of Macedonia

48. **Ms. Boskovska** (Coalition "Sexual and Health Rights of Marginalized Communities") said that her organization was concerned by violations of the right to health of persons who used drugs, sex workers and lesbian, gay, bisexual and transgender (LGBT) persons. A new drug law had introduced a stricter policy that shifted the focus away from addressing health and social problems among drug users and instead focused on law enforcement and criminal sanctions. There had been an increase in the number of children who used drugs, especially among the Roma, and legal and institutional barriers were preventing those children from accessing health-care services. Currently, all harm reduction services were being funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria, but that support would be terminated at the end of 2016.

49. The most blatant case of a violation of the rights of sex workers was the large-scale raid that had been conducted in Skopje in November 2008, when more than 30 persons had been detained and accused of being sex workers. They had been subjected to compulsory testing for HIV, hepatitis B and hepatitis C and had been convicted of transmitting infectious diseases without any proof of transmission. The Government should stop forced testing of its citizens and should ensure that all testing for sexually transmitted diseases involved informed consent, counselling and guaranteed confidentiality.

50. Transgender persons did not enjoy any legal protection against discrimination or abuse in the State party. National health-care policies should be adjusted to ensure that access to hormonal, surgical and psychological treatments for gender confirmation was provided on the same basis as all other necessary medical treatments. Relevant laws and policies should be adjusted so that transgender individuals had the legal right to identity documents that reflected their actual gender identity.

51. **Mr. Jadrovski** (Helsinki Committee for Human Rights of the Republic of Macedonia) said that refugees in the State party suffered numerous violations of their basic human rights and also faced discriminatory practices. The right to social welfare was being illegally suppressed by the unlawful retroactive application of the law on social protection. The State was not taking any action to address the discrimination faced by LGBT persons when exercising their right to social services. The State was also failing to ensure the efficient application of the law to combat domestic violence. Lastly, the inefficient health-care system and difficulties of access to health-care services had caused several deaths, most notably that of Tamara Dimovska, a 9-year-old girl who had died because of administrative obstacles related to health insurance.

52. **Ms. Bozinoska** (Health Education and Research Association) said that limited access to information on sexual and reproductive health in schools, lack of access to modern contraception and retrogressive legislative barriers to abortion were depriving women of their right to health. Few young people in schools received information about how to use condoms or oral contraception, while textbooks contained outdated and biased information that was clearly intended to generate hatred towards persons with different sexual orientations and gender identities.

53. The State party had one of the lowest rates of contraceptive use in Europe, and modern contraceptives were not covered by health insurance. A restrictive law adopted in 2013 had introduced a number of new legal barriers to abortion, such as a mandatory written request, mandatory dissuasive counselling and a mandatory waiting period. The lack of access to information and services was harmful to the life and health of women, particularly those who, due to poverty, gender inequality or family violence, were forced to seek unsafe abortion services. The State party had the highest rate of perinatal deaths in Europe, and the prevalence of sexually transmitted infections was on the rise.

54. **Ms. Bekir Halil** (Roma Women's Initiative from Shuto Orizari) said that Roma women living in the former Yugoslav Republic of Macedonia tended to enjoy poorer health and a shorter life expectancy than non-Roma women. The infant mortality rate in the Roma community was 17.4 deaths per 1,000 live births, compared to 9.3 deaths per 1,000 live births in non-Roma communities. The 2007 reform of the health-care system had left the municipality of Šuto Orizari without primary gynaecological care, forcing women to travel to other municipalities to access those services. In addition, only 5.9 per cent of pregnant Roma women had received antenatal care from visiting nurses in 2015.

55. Although all women were legally entitled to receive services from the gynaecologist of their choice free of charge, many health-care providers charged illegal fees, which disproportionately affected Roma women, as the poverty rate among the Roma community was almost three times higher than the national average. Regrettably, the measures taken by the national health insurance fund against those health-care providers had not put an end to that practice. Numerous cases of Roma women being rejected by reproductive health service providers had also been recorded and the legal mechanisms in place to protect against discrimination were ineffective.

56. The Committee should consider urging the State party to ensure that all Roma women had access to sexual and reproductive health services, free from stigma and discrimination; to improve the availability and accessibility of primary gynaecological health-care services, especially in communities where Roma and disadvantaged groups lived; to guarantee the right of health insurance holders to receive free check-ups from the primary health-care provider of their choice; and to guarantee pregnant Roma women access to antenatal care from visiting nurses.

57. **Ms. Gelevska** (Association for the Emancipation, Solidarity and Equality of Women) said that the poor standard of health and shorter life expectancy of the Roma community

were primarily attributable to the unfavourable socioeconomic conditions in which they lived. The monthly income of a Roma household was significantly lower than that of other households and largely consisted of social welfare benefits and money earned from informal or precarious work. There was currently no national health strategy or policy aimed at improving the standard of health of the Roma and their access to health-care services. Furthermore, no statistics on health disaggregated by ethnicity were publicly available, which was a serious obstacle to planning and carrying out activities intended to raise the Roma community's standard of health.

58. Women in the former Yugoslav Republic of Macedonia often struggled to access primary gynaecological care on account of the current shortage of qualified professionals. Around 17 per cent had fewer than four check-ups during their first pregnancy, while around 50 per cent who had given birth in the previous two years had not been visited by a nurse during their pregnancy or after having given birth. Only 19 per cent of Roma women aged between 24 and 60 had undergone a Pap test during the period 2012-2014.

59. Contrary to the recommendation made by the Special Rapporteur on the right to health on the need to strike a balance between curative and preventive health care, the Ministry of Health had allocated 46 per cent of the State health-care budget to curative health care and only 7 per cent to preventive health care.

60. Despite the adoption of a new law on preventing, combating and protecting against domestic violence, there were still significant gaps in its enforcement, as deadlines for imposing temporary protection measures were seldom respected by the competent institutions. Moreover, there was no specific legislation regulating the provision of legal aid to victims of violence. In the absence of free legal aid, victims availed themselves of the services provided by civil society organizations.

61. **Mr. De Schutter** asked how the discrepancy between the official government estimate of the number of Roma living in the former Yugoslav Republic of Macedonia and the estimate made by NGOs could be explained, and whether statistical data disaggregated by ethnicity were collected in sectors other than the health sector. He also wished to know whether the perceived ineffectiveness of the law on social protection in guaranteeing equal access to social services could be attributed to the pervasive practice of paying public officials bribes in return for access to those services and, if so, how the situation could be improved.

62. He would also appreciate additional information on the impact of the new law on abortion adopted in 2013, on the national abortion rate and on the number of women practising unsafe abortions.

63. **Ms. Bras Gomes** said that it would be helpful to learn more about the reported unlawful, retroactive application of social welfare legislation in the former Yugoslav Republic of Macedonia and about the success of the pilot project whereby certain municipalities had begun to deliver social services through special social service centres.

64. **Mr. Jadrovski** (Helsinki Committee for Human Rights of the Republic of Macedonia) said that persons known or perceived to be lesbian, gay, bisexual, transgender or intersex were frequently denied access to social service centres, which constituted direct discrimination. Around 50 per cent of the lesbian, gay, bisexual, transgender and intersex persons who had been interviewed for research purposes had complained of receiving less favourable treatment when availing themselves of social services.

65. The law of the former Yugoslav Republic of Macedonia made access to social welfare services contingent upon the fulfilment of certain conditions. Applicants had to demonstrate that they earned less than a certain amount and that they were able to work. Prior to 2015, certain forms of income, including remittances made from abroad through

money transfer companies, had not been taken into account when determining whether an applicant's income was low enough for him or her to access social welfare services. However, new regulations introduced in 2015 had removed that exemption and, in some cases, had been applied retroactively to deprive persons of services for which they had previously been eligible.

66. **Ms. Gelevska** (Association for the Emancipation, Solidarity and Equality of Women) said that the State did not generally collect statistical data disaggregated by ethnicity in any sector or on important issues such as gender-based violence, which made it difficult to devise programmes and policies to assist the different marginalized groups living in the country. Furthermore, the State had done little to correct the shortcomings of its data-collection system.

67. **Ms. Boskovska** (Coalition "Sexual and Health Rights of Marginalized Communities") said that the discrepancy between government and NGO estimates of the number of Roma living in the country could be explained by the fact that not all the Roma were officially registered and that NGOs were in a better position than the Government to determine their actual number, as they worked with them on the ground.

68. **Ms. Bozinoska** (Health Education and Research Association) said that, prior to the adoption of the new law on abortion in 2013, the national abortion rate had decreased steadily. However, no data had been collected on the impact of the new law on the national abortion rate following its adoption. There was evidence to suggest that the restrictions imposed on doctors by the new law had, in some cases, put the life and health of women in danger. The law required doctors to impose a three-day waiting period on women for non-urgent terminations, which, according to the law, should be waived if the termination was deemed to be urgent. However, as terminations considered to be urgent were subject to the scrutiny of the health authorities and doctors who wrongly performed an urgent termination were liable to a prison sentence and/or a large fine, many doctors also imposed the aforementioned waiting period on women awaiting an urgent termination, often to the detriment of their health.

Angola

69. **Ms. Masango** (International Service for Human Rights) said that human rights defenders in Angola continued to be subject to harassment and intimidation and that there were still many obstacles to registering independent NGOs. Moreover, journalists who exposed violations of economic, social and cultural rights were censored and could face prosecution. A general lack of transparency and access to information hindered the ability of civil society to denounce and seek justice for corruption and abuses, especially those that took place in the business sector.

70. In its interactive dialogue with Angola, the Committee should broach the persistent and arbitrary administration of justice; the high prevalence of reprisals against journalists and human rights defenders, especially in the context of business operations; and the use of the decree on NGOs of March 2015 to unduly restrict the independence of civil society in the country and to protract the procedures for obtaining foreign funding and legal personality under the pretext of combating terrorism.

71. The Committee should consider calling upon Angola to enshrine the United Nations Declaration on Human Rights Defenders in its laws and policies; to modify the legislation governing the registration and operation of NGOs in order to relax the undue restrictions imposed upon them; to guarantee human rights defenders and journalists due process and halt the practice of prosecuting them for their work; and to enact clear laws and policies to guarantee the proactive disclosure of information held by public and private bodies when it pertained to the protection of human rights.

72. **Mr. Zerbini Ribeiro Leão** said that it would be useful to receive additional information, in writing, on the harassment, intimidation and threats to which human rights defenders in Angola had been subjected.

73. **Ms. Holt** (Centre on Human Rights in Conflict of the University of East London) said that the Committee needed to address the impact of violations of the right to land on the enjoyment of the rights enshrined in the Covenant as a matter of urgency, particularly in view of the growing prevalence of threats and violence against land rights defenders.

74. In many countries, land rights and security of tenure constituted the basis for access to food, housing, livelihood and development. However, those rights were frequently concentrated in the hands of a few. Large-scale land acquisitions and land grabbing served to exacerbate that situation of inequality, adversely affecting small-scale rural producers and indigenous peoples and others whose livelihoods depended on land and natural resources. Women, who tended to enjoy less access to, control over and use of land owing to factors related to social structure and power differentials, were disproportionately affected by that situation. Displacement or impeded access to land could have a devastating cultural impact on populations whose way of life was inextricably linked to the territories that they inhabited. In addition, inequality in access to and control over land had been a driver of tensions across the globe.

75. While the United Nations and its specialized agencies attempted to establish land rights as human rights, human rights organizations had reported a growing trend of threats, violence and assassinations of land rights defenders. The adoption of a resolution entitled "Protecting human rights defenders addressing economic, social and cultural rights" by the Human Rights Council in March 2016 (A/HRC/31/L.28) was a welcome development in that regard.

76. The Committee had frequently referred to the need to respect land rights, and had consistently demonstrated that access to and security of land tenure were important aspects of economic, social and cultural life; it had also provided guidance on regularizing land tenure, promoting access to land and protecting individuals and communities, including minority and indigenous groups, against expropriation, displacement or eviction, without excluding alternatives to formal land titling. It was for that reason that the Committee would be well placed to make a strong statement, in the form of a general comment, clarifying the normative foundations and content of the right to land, reaffirming its linkages with other rights, setting out States' core obligations in respect of that right and providing guidance on realizing it at the national level. Such a general comment would provide both States and those holding them to account with much needed clarity in that area.

77. **Mr. Houlmann** (FIAN International) said that, over the years, his organization had provided a considerable amount of evidence of the challenges facing peasants, small-scale farmers, pastoralists, women, indigenous peoples and agricultural workers in accessing and controlling their land and natural resources, and of the impact of those challenges on their economic, social and cultural rights.

78. The participation of those most affected by forced eviction, displacement, landlessness and other violations of economic, social and cultural rights related to land had been essential to the adoption of recent standards, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. The groups concerned had also been a driving force for the establishment by the Human Rights Council of the Open-ended intergovernmental working group to draft a United Nations declaration on the rights of peasants.

79. His organization was deeply concerned at the systematic violence and discrimination suffered by rural dwellers as they sought to realize their right to an adequate standard of living. Land rights alone were not sufficient to tackle the numerous and complex violations

stemming from land deprivation. It was time for the Committee to establish the right to land as a human right implicit in article 11 of the Covenant through the adoption of a general comment setting out the content of that right, the obligations of States in respect of it and the accountability mechanisms that States needed to recognize and comply with. In developing such a general comment, the Committee should take into account the work of the Committee on World Food Security and the discussions taking place within the Open-ended intergovernmental working group; it should also seek input from those whose right to land, food and other related economic, social and cultural rights had been violated.

The discussion covered in the summary record ended at 11.50 a.m.